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U.S. Department of Homeland Security  
U. S. Citizenship and Immigration Services  
Office of Administrative Appeals  
Washington, DC 20529-2090



U.S. Citizenship  
and Immigration  
Services

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FILE:

OFFICE: HO CHI MINH Date:

**MAR 26 2009**

IN RE:

PETITION:

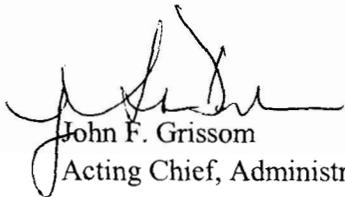
Petition to Classify Orphan as an Immediate Relative Pursuant to Section 101(b)(1)(F) of the Immigration and Nationality Act, 8 U.S.C. § 1101(b)(1)(F)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or you have additional information that you wish to have considered, you may file a motion to reconsider or a motion to reopen. Please refer to 8 C.F.R. § 103.5 for the specific requirements. All motions must be submitted to the office that originally decided your case by filing a Form I-290B, Notice of Appeal or Motion, with a fee of \$585. Any motion must be filed within 30 days of the decision that the motion seeks to reconsider or reopen, as required by 8 C.F.R. § 103.5(a)(1)(i).



John F. Grissom  
Acting Chief, Administrative Appeals Office

**DISCUSSION:** The Director, Ho Chi Minh City Office, denied the orphan petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The petitioner seeks classification of an orphan as an immediate relative pursuant to section 101(b)(1)(F) of the Immigration and Nationality Act (“the Act”). The director denied the petition for failure to establish that the beneficiary met the definition of an orphan at section 101(b)(1)(F)(i) of the Act.

On the Form I-290B, Notice of Appeal, filed on December 30, 2008, counsel indicated that he would submit a brief and/or additional evidence to the AAO within 30 days. On February 13, 2009, counsel requested an extension of time until March 3, 2009 to submit a brief in support of the appeal. The AAO granted counsel’s request and notified counsel that his brief would be due on March 3, 2009. To date, the AAO has received nothing further from counsel.

The regulation at 8 C.F.R. § 103.3(a)(1)(v) prescribes that an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. On the Form I-290B, counsel briefly asserted that the director erroneously concluded that the petitioner did not meet her burden of proof and that the U.S. Consulate in Hanoi did not have jurisdiction to conduct an investigation on this case. Counsel also claimed that the director erroneously determined that the beneficiary did not meet an unspecified section of the relevant regulation, violated the petitioner’s unspecified constitutional rights and incorrectly applied unspecified statutory and case law, international agreements and internal directives. Counsel cited no specific legal authority or evidence that the director failed to follow or consider.

Fifteen days after he originally stated that he would submit a brief and/or evidence, counsel requested an additional 33 days to make his submission. The AAO granted the extension, but the additional period has lapsed and the AAO has received no brief or additional evidence from counsel to support his assertions on the Form I-290B. Counsel’s brief and general claims on the Form I-290B do not specifically identify any error of law or fact in the director’s decision. The appeal must therefore be summarily dismissed.

**ORDER:** The appeal is dismissed.